

1 RANDY S. GROSSMAN  
2 United States Attorney  
3 Alicia P. Williams  
4 Assistant United States Attorney  
5 880 Front Street, Room 62823  
6 San Diego, CA 92101

**FILED**

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CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v,

DYAWNE TOUSANT,

Defendant.

Case No. 3:09-cr-01250-W

**MOTION FOR EXTENSION OF TIME  
TO REPLY TO UNITED STATES'  
RESPONSE IN OPPOSITION TO  
DEFENDANT'S MOTION TO VACATE  
SENTENCE UNDER 28 U.S.C. 2255**

COMES Defendant, Dywane Tousant ("Tousant"), appearing *pro se*, and files his Motion for Extension of Time to Reply to United States' Response in Opposition to Defendant's Motion to Vacate Sentence Under 28 U.S.C. 2255, and would show as follows:

**PRELIMINARY STATEMENT**

As a preliminary matter, Tousant respectfully requests that this Court be mindful that *pro se* complaints are to be held "to less stringent standards than formal pleadings drafted by lawyers," and should therefore be liberally construed. See *Pouncil v. Tilton*, 704 F.3d 568 (9<sup>th</sup> Cir. 2012); *Estelle v. Gamble*, 429 U.S. 97 (1976)(same); and *Haines v. Kerner*, 404 U.S. 519 (1972)(same).


**REASON FOR EXTENSION**

The eight (8) page United States' Response in Opposition to Defendant's Motion to Vacate Sentence Under 28 U.S.C. 2255 ("USR") was just received by Tousant through the prison mail. Because of the Covid/Delta Virus pandemic the compound at USP Lompoc has had limited movement and very limited access to the prison law library. As such, Tousant needs to research, prepare and perfect his Reply to the USR. Therefore, he seeks a thirty (30) day extension of time, up to and including March 3, 2022, to complete his Reply.

WHEREFORE, premises considered, Tousant respectfully requests that the Court grant this motion and extend his deadline for filing his Reply, up to and including April 3, 2022.

Respectfully submitted,


Dated: March 3, 2022



DYWANE TOUSANT  
Reg. No. 14306-298  
USP LOMPOC  
U.S. PENITENTIARY  
3901 KLEIN BLVD  
LOMPOC, CA 93436

**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2022, I mailed a true and correct copy of the above and foregoing Motion for Extension of Time to Reply to United States' Response in Opposition to Defendant's Motion for Compassionate Release, postage prepaid, to Randy S. Grossman, United States Attorney, Assistant United States Attorney, 880 From Street, Room 6293, San Diego, CA 92101.



DYWANE TOUSANT



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Dywane Tousant  
Reg. No. 14306-298  
USP LOMPOC  
U.S. PENITENTIARY  
3901 KLEIN BLVD  
LOMPOC, CA 93436

**TO:** Clerk of office  
United States District Court  
Southern District of California  
San Diego Division  
880 Front Street  
San Diego, CA 92101